



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 27 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Todd Siebenaler, Plant Manager
Spectro Alloys Corporation
13220 Doyle Path
Rosemount, Minnesota 55068

Dear Mr. Siebenaler:

This is to advise you that the U.S. Environmental Protection Agency has determined that the Spectro Alloys (Spectro) facility at 13220 Doyle Path, Rosemount, Minnesota is in violation of the Clean Air Act (CAA), 42 U.S.C. § 7412, Title V, and associated pollution control requirements. A list of the requirements violated is provided below.

Spectro's Title V permit contains operational limitations and emissions limits for, among other things, particulate matter (PM). The purpose of PM emissions limits is to help protect the public from unhealthy exposures, which contribute to respiratory problems, lung damage and premature deaths.

Based on the results of Spectro's January 8-9th, 2013 aluminum scrap shredder (Hammermill) performance test report, EPA finds Spectro to be in violation of its Title V permit, and CAA regulations implementing the NESHAP at 40 C.F.R. Part 63, Subpart RRR. We are today issuing to you a Finding of Violation (FOV) for these violations pursuant to Section 113(a) of the CAA, 42 U.S.C. § 7413(a).

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

Section 113 of the CAA also provides you with the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice and any conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

EPA's contact in this matter is Gina Harrison. You may call her at (312) 353-6956 if you wish to request a conference. EPA hopes that this FOV will encourage Spectro's compliance with the requirements of the CAA.

Sincerely,

A handwritten signature in black ink, appearing to read "George T. Czerniak". The signature is stylized with a large initial "G" and a series of loops and flourishes.

George T. Czerniak
Director
Air and Radiation Division

cc: Brent Rohne,
Minnesota Pollution Control Agency

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

NESHAP Regulations

1. Under Section 112 of the CAA, the Administrator of EPA promulgated the General Provisions of the NESHAP at 40 C.F.R. Part 63, Subpart A; 40 C.F.R. §§ 63.1 – 63.16.
2. Under Section 112 of the CAA, the Administrator of EPA promulgated the NESHAP for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR; 40 C.F.R. § 63.1500 *et seq.*
3. An aluminum scrap shredder, as that term is defined at 40 C.F.R. § 63.1503, means a unit that crushes, grinds, or breaks aluminum scrap into a more uniform size prior to processing or charging to a scrap dryer/delacquering kiln/decoating kiln, or furnace.
4. Pursuant to the NESHAP at 40 C.F.R. § 63.1501, the owner or operator of an existing affected source must comply with the requirements of Subpart RRR by March 24, 2003; and the owner or operator of a new affected source that commences construction or reconstruction after February 11, 1999, must comply with the requirements by March 24, 2000, or upon startup, whichever is later.
5. The NESHAP, at 40 C.F.R. § 63.1505(b)(1), requires that on and after the compliance date established by § 63.1501, the owner or operator of an aluminum scrap shredder at a secondary aluminum production facility that is a major source must not discharge or cause to be discharged to the atmosphere emissions in excess of 0.023 grams (g) of particulate matter (PM) per dry standard cubic meter (dscm) (0.010 grain (gr) of PM per dry standard cubic foot (dscf)).
6. The NESHAP, at 40 C.F.R. § 63.1511(e), requires that each owner or operator of affected sources and emission units located at secondary aluminum production facilities that are major sources conduct a performance test every 5 years following the initial performance test.
7. The NESHAP, at 40 C.F.R. § 63.6(e)(1)(i), requires that at all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

Title V Regulations

8. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each State to develop and submit to EPA an operating permit program which meets the requirements of Title V. EPA granted interim approval to Minnesota's Title V program on June 16, 1995, effective July 16, 1995. 60 Fed. Reg. 31637. EPA proposed final approval of Minnesota's Title V program on October 30, 2001. 66 Fed. Reg. 54739. EPA granted Minnesota final approval of its Title V Clean Air Act Permit Program, effective November 30, 2001. 66 Fed. Reg. 62967. 40 C.F.R. Part 70, Appendix A.
9. Title V regulations at 40 C.F.R. § 70.3 provide that the requirements of Part 70 apply to any major source located in a state that has received whole or partial approval of its Title V program.
10. Minnesota Pollution Control Agency (MPCA) issued a Total Facility Operating Permit 03700066-001 to Spectro on June 15, 1995, and final Title V Permit 03700066-001 to Spectro on April 22, 2005.
11. Spectro's Permit 03700066-001 incorporates by reference the NESHAP for secondary aluminum production in Table A, including PM limits associated with its aluminum scrap shredder.

Factual Background

12. At all times relevant to this notice, Spectro has owned and operated a secondary aluminum production facility, as that term is defined at 40 C.F.R. § 63.1503, at 13220 Doyle Path, Rosemount, Minnesota.
13. The facility is a "major source" as that term is defined at 40 C.F.R. § 63.2.
14. As a secondary aluminum production facility, Spectro's facility is an emission source subject to the requirements of the Act, including 40 C.F.R. Part 63, Subpart RRR.
15. At the facility, Spectro owns and operates an aluminum scrap shredder (Hammermill), as that term is defined at 40 C.F.R. § 63.1503, and associated baghouse. The Hammermill and associated baghouse are together designated emission unit CV008.
16. In accordance with its permit and the NESHAP at 40 C.F.R. 63.1511 (e), Spectro conducted a performance test at the Hammermill on January 8-9, 2013, and submitted a test report to EPA and MPCA on February 15, 2013. Results of this test showed PM emissions of 0.028 gr/dscf at emission unit CV008.

Violations of Emission Standards and Monitoring Requirements

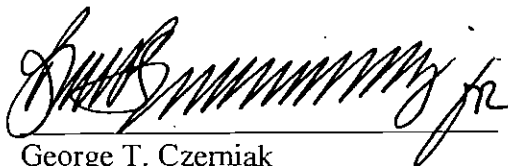
17. Spectro's excess PM emissions from the Hammermill are violations of its Title V permit 03700066-001 and the NESHAP at 40 C.F.R. §§ 63.6(e)(1)(i) and 63.1505(b)(1).

Environmental Impact of Violations

18. Violations of PM emissions standards increases public exposure to unhealthy PM. PM, especially fine PM, contributes to respiratory problems, lung damage and premature deaths.

3/27/13

Date



George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

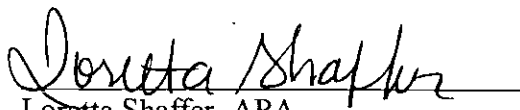
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-13-MN-01, by Certified Mail, Return Receipt Requested, to:

Todd Siebenaler
Plant Manager
Spectro Alloys
13220 Doyle Path
Rosemount, Minnesota 55068

I also certify that I sent copies of the Finding of Violation by first class mail to:

Brent Rohne
Air Compliance and Enforcement Unit Supervisor
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155-4194

on the 28 day of March, 2013.


Loretta Shaffer, APA
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7674 1385